



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR : Administrative Action  
REVOCATION OF THE LICENSE OF :

JOAN M. DEMPSEY, L.P.N. :

License No. 26NP00769100 :

**FINAL ORDER OF  
DISCIPLINE**

TO PRACTICE NURSING IN THE STATE :  
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Joan M. Dempsey ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.A.C. 13:37-5.3(b), licensees eligible for renewal in May 2010 are required to complete a minimum of thirty (30) hours of continuing education during the two-year period between June 1, 2008 and May 31, 2010 in order to renew their licenses.

3. Pursuant to N.J.A.C. 13:37-5.3(f), licensees are required to maintain documentation of completion of continuing

education for a period of four years after completion, and shall submit such documentation to the Board upon request.

4. On or about May 2, 2010 Respondent completed and submitted an online biennial license renewal for the period of June 1, 2010 through May 31, 2012, and Respondent's license was then renewed by the Board through May 31, 2012.

5. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2010," referring to the biennial renewal period of June 1, 2008 through May 31, 2010. Respondent answered "no" to the question.

6. On or about October 7, 2010, Respondent sent a letter to the Board advising that she was unaware of the continuing education requirement.

7. On or about March 24, 2011, the Board sent a letter to Respondent, advising that she had not fulfilled the continuing education requirement for the 2010 license renewal and that the matter was being referred to the Board for disciplinary action.

8. On or about December 8, 2011, the Board sent another letter to Respondent requesting that she provide within thirty (30) days, either proof of successful completion of 30 hours of continuing education credits or submission of her active license.

9. To date, Respondent has not complied with the Board's continuing education requirement.

#### **CONCLUSIONS OF LAW**

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required 30 hours of continuing education for the two-year period of June 1, 2008 through May 31, 2010. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b); which subjects Respondent to sanctions, pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on March 28, 2012, which provisionally suspended Respondent's license to practice nursing. Copies of the POD were sent to Respondent's address of record in Succasunna, New Jersey via certified and regular mail. The Provisional Order of Discipline clearly stated that it was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written

evidence supporting Respondent's request for consideration and reasons therefor.

Respondent failed to submit a response to the POD. Because the POD was forwarded to Respondent's address of record, and the regular mailing was not returned, although the certified mail receipt was signed by a third party and returned, the Board deems service to have been effected, pursuant to N.J.A.C. 13:45-3.2. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

**THEREFORE, it is on this 20 day of June, 2012**

**ORDERED that:**

1. Respondent's license to practice nursing be and hereby is suspended pending submission of proof of completion of thirty (30) hours of continuing education as required by N.J.A.C. 13:37-5.3(a).

2. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a

charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

*Patricia Murphy*  
Patricia Murphy, PhD, APRN  
Board President